

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CIVIL CONFERENCE
MINUTE ORDER

BEFORE: JAMES ORENSTEIN
U.S. MAGISTRATE JUDGE

DATE: 1/5/2017
TIME: 10:30 a.m.

In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation
05-MD-1720 (MKB) (JO)

TYPE OF CONFERENCE: Status

APPEARANCES: Damages Class Alexandra S. Rebay, Carmen A. Medici, Ryan W. Marth
EPS Scotty P. Krob (counsel), Anthony Maley (client)

SCHEDULING:

1. The next status conference will be held on February 9, 2017, at 2:00 p.m.
2. A further status conference will be held on April 13, 2017, at 2:00 p.m.
3. A further status conference will be held on June 8, 2017, at 2:00 p.m.

SUMMARY:

1. After hearing the arguments of counsel and reviewing all of the written submissions, and upon consideration of the putative Damages Class's revised request for relief (a copy of which I respectfully direct counsel to file on the docket), I ordered EPS, in lieu of any other sanction, to reimburse the putative Damages Class for the reasonable expenses (excluding attorneys' fees, which the putative class has waived) incurred since January 7, 2015, in connection with the litigation of matters relating to EPS. The Damages Class and EPS shall confer in an attempt to agree on the specific amount to be reimbursed; should they disagree as to the amount, the Damages Class will submit its request by January 19, 2017, and EPS will submit its response by January 26, 2017. Should EPS seek review of the foregoing ruling pursuant to Federal Rule of Civil Procedure 72, the foregoing deadlines, as well as the underlying reimbursement order, will be stayed pending resolution of that review. Because I conclude that the reimbursement ordered above obviates the need for any additional sanction, I note that should the court on review determine that reimbursement is not an available remedy, I will reconsider whether some other sanction should be imposed instead.

2. I further respectfully recommend that the court require EPS to resume providing monthly reports to the Damages Class counsel regarding its Merchant Reimbursement Program, and that the parties submit a status report on the continuing need for such monitoring after one year.

SO ORDERED

/s/
JAMES ORENSTEIN
U.S. Magistrate Judge